

ORDINANCE NO: 752

AN ORDINANCE OF THE CITY OF GROVE, OKLAHOMA ADDING PART 18, MARIJUANA ESTABLISHMENTS, TO THE CITY OF GROVE CODE OF ORDINANCES TO BE CONSISTENT WITH STATE LAWS AND REGULATIONS; DIRECTING CODIFICATION; AND PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVE, OKLAHOMA:

SECTION ONE:

Part 18, Chapter 1, of the City of Grove Code of Ordinances shall be added and shall read as follows:

PART 18

MEDICAL MARIJUANA ESTABLISHMENTS

Subject:	Chapter
Medical Marijuana Establishments	1

CHAPTER 1

MEDICAL MARIJUANA ESTABLISHMENTS

SECTION:

18-101: Definition

18-102: Certificate of Compliance

18-103: Business License and Permit Required

18-104: Inspections

18-105: Location Restrictions

18-106: Conditions of Operation

18-107: Smoking of Marijuana on City Property is prohibited; Public Nuisance

18-108: Penalty

18-109: Revocation of License

18-101: DEFINITION:

Medical Marijuana Dispensary: An entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 421A which allows the entity to purchase medical marijuana from a Commercial Grower or Processor and sell medical marijuana only to qualified patients and caregivers as defined herein.

Medical Marijuana Commercial Grower: An entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 422A, which allows the entity to grow, harvest and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor or researcher. Growers shall not sell directly to consumers.

Medical Marijuana Processor: An entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 423A which allows the entity to purchase marijuana from a commercial grower, prepared, manufacture, package, sell to and deliver medical marijuana products to a dispensary licenses or other processor licensee; and may process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.

Qualified Patient: A person that has been issued a medical marijuana license pursuant to 63 O.S. §420A *et seq.*

Caregiver: A person that has been issued a medical marijuana license pursuant to 63 O.S. §420A *et seq.*

Commercial Establishment License: A license issued to a Medical Marijuana Dispensary, Commercial Grower or Processor by the Oklahoma State Department of Health pursuant to 63 O.S. § 420A *et seq.*

Medical Marijuana Growing Facility for Personal Use: The residence of a Qualified Patient as defined herein where marijuana is grown for personal medical use.

18-102: CERTIFICATE OF COMPLIANCE

- A. Every applicant that is applying for a medical marijuana license from the Oklahoma State Department of Health, shall obtain a Certificate of Compliance from the city by:
 1. Filing a written application on forms prescribed by the city; and
 2. Paying one-hundred dollar (\$100.00) Certificate of Compliance fee; such fee may be amended per action of the City Council.
- B. Upon receipt of an application for a Certificate of Compliance, the following city departments shall review and verify compliance:
 1. The proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Planning and Zoning Administrator.
 2. The proposed site and structure must comply with all building codes, verified by the Building Inspector.
 3. The proposed site, structure and location must comply with all Fire Code requirements, verified by the Fire Chief or his designee.
 4. The proposed location and use must comply with health department regulations, verified by the Delaware County Health Department.
- C. The city shall act on all such applications within twenty (20) days of receipt thereof.
- D. Upon finding that the premises of an applicant for a Certificate of Compliance is in compliance with all applicable zoning ordinances, building, fire, safety and health codes, a Certificate of Compliance shall be issued. The applicant is responsible for submitting the Certificate of Compliance to the State of Oklahoma with their license application
- E. The above Certificate of Compliance shall be signed by the City Manager or his designee.

18-103: BUSINESS LICENSE AND PERMIT REQUIRED

- A. All operators of commercial Medical Marijuana Establishments are required to submit an application (provided by the City) for a Medical Marijuana Establishment Business License from the City Clerk on or before the date upon which he enters upon such business or occupation. The licensee shall provide a current copy of their commercial establishment license issued by the Oklahoma Department of Health before a Business License will be issued. Thereafter, the licensee shall renew their Business License annually on or before July 1, and shall provide a copy of a current commercial establishment license, including any renewal of the state issued commercial establishment license.
- B. The commercial Medical Marijuana Establishment License Fee shall be six hundred dollars (\$600.00) per year and payable at the time the application is submitted. The fee is non-refundable; and shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of commercial marijuana establishments.
- C. Upon submission of an application, payment of fee, and verification of a satisfactory inspection by a city official (set-forth in Section 18-104 of this Ordinance), the City Clerk shall issue a Medical Marijuana Establishment Business License, which the licensee shall post in a conspicuous place on the premises wherein he carries on his business or occupation.
- D. All individuals operating a Medical Marijuana Growth Facility for Personal Use are required to obtain a Registration Permit prior to beginning operations. The licensee shall provide a current copy of their state license before a Registration Permit will be issued. Thereafter, the licensee shall renew their Registration Permit annually on or before July 1.
- E. The Medical Marijuana Growth Facility for Personal Use Registration Permit Fee shall be five dollars (\$5.00) per year.

18-104: INSPECTIONS AND OTHER REQUIREMENTS

- A. All new Business Licenses outlined in this ordinance will be subject to inspection by an authorized municipal inspector prior to issuance.
- B. The inspection prior to issuance of a Business License will occur at a time scheduled and approved by both the applicant and municipal inspector.
- C. The applicant will be required to be present during the inspection.

18-105: LOCATION RESTRICTIONS

- A. A Medical Marijuana Dispensary: will be allowed only within a C-3 Highway Commercial and Commercial Recreation Zoned District and shall be prohibited from all other zoning districts; AND
 Shall be prohibited from locating within one thousand feet (1,000') of the *entrance* of a building or unit of the following:
 1. Private or public preschool, elementary school, secondary school, vocational or trade school, college or university;
 2. Library or museum;
 3. Child care center;
 4. Place of worship or religious assembly;

5. Public park, playground, pool or recreation facility;
6. Juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center; or
7. Another medical marijuana dispensary.

The distance requirements shall be computed by direct measurement in a straight line from the nearest entrance to a building or unit of the said use listed above to the nearest property line on which the medical marijuana dispensary is located.

- B. Marijuana Growing Facility for Personal Medical Use: All medical marijuana for personal use will be allowed to be grown only on the *primary residence* of the licensee, and shall be prohibited from all other locations. If a *primary residence* is on rented real property, licensee must provide written permission from the property owner authorizing the growth of medical marijuana on said premise.

All Marijuana grown for personal medical use must be grown so that the marijuana is not accessible to a member of the general public and is only accessible to the licensee or caregiver. If grown outdoors, it must be grown behind an opaque fence that is at least six feet (6') in height. The marijuana plants must be completely enclosed by the fence and the fence must be secured with a lock and key. No marijuana plants may be visible from any street adjacent to the property.

- C. A Medical Marijuana Commercial Grower: shall be prohibited from locating within the corporate limits of the City of Grove.
- D. A Medical Marijuana Processor: shall be prohibited from locating within the corporate limits of the City of Grove.

18-106: CONDITIONS OF OPERATION:

- A. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- B. The Medical Marijuana Dispensary must collect the city sales tax of three and fourth tenths (3.4) percent on all sales.
- C. The Medical Marijuana Dispensary hours of operation shall be between the hours of 10:00 a.m. to 9:00 p.m. Monday through Saturday.

Further, no person shall open or operate a Medical Marijuana Dispensary at any time on the following days:

1. Sunday
2. New Year's Day
3. Memorial Day
4. 4th of July
5. Labor Day
6. Thanksgiving Day
7. Christmas Day

- D. All Medical Marijuana Establishments shall comply with Oklahoma State law and Oklahoma Department of Health rules and regulations.

18-107: USE, SMOKING OF MARIJUANA; PUBLIC NUISANCE

- A. Smoking or using marijuana shall be prohibited on all city property including vehicles, buildings, parks and other facilities.
- B. The smell or noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.
- C. It is the intent of the City of Grove that nothing in the Medical Marijuana Establishment Ordinance be construed to:
 - 1. Allow persons to engage in conduct that endangers or causes a public nuisances;
 - 2. Allow the use of marijuana for non-medical purposes;
 - 3. Allow any activity that is otherwise illegal and not permitted by state law.

18-108: PENALTY

- A. Failure to Comply.
Any person, firm or corporation who engages in any business, profession, trade or occupation, or exercises any privilege, for which a license or permit is required by this Ordinance without a valid license or permit as hereby required, or who otherwise violates any provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction, punished by a fines not to exceed five-hundred dollars (\$500.00), plus court costs and penalties, if any. Each day of such violation shall constitute a separate offense.

18-109: REVOCATION OF LICENSE:

- A. Any violations of this section will result in the revocation of a Medical Marijuana Establishment License.

SECTION TWO: The City Clerk is hereby directed to enter the added Part 18 into the appropriate place in the City of Grove, Oklahoma Code of Ordinances, as authorized and approved by this Ordinance.

SECTION THREE: If any section, paragraph, sentence, cause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION FOUR: EMERGENCY CLAUSE. An immediate necessity existing for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason of which this ordinance shall be in full force and effect from and after its passage, approval and publication or posting.

PASSED AND ADOPTED by the City Council of the City of Grove, Oklahoma on the 4th day of September, 2018.

PASSED AND APPROVED AN EMERGENCY CLAUSE by separate action on the 4th day of September, 2018.

CITY OF GROVE, OKLAHOMA

SEAL
ATTEST:

By: _____
Ed Trumbull, Mayor

Ivonne Buzzard, City Clerk